

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MALIK M. STELLY,

Defendant.

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8:04CR23

ORDER

Pursuant to the Judgment of the Eighth Circuit Court of Appeals remanding this case to the district court for resentencing pursuant to *United States v. Booker*, 125 S. Ct. 738 (2005),

IT IS ORDERED:

1. That resentencing of the defendant is scheduled before the undersigned on **May 11, 2005, at 10:00 a.m.**, Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendant must be present for this hearing.

2. The U.S. Marshal's Office is directed to return the defendant to this district for the above hearing.

3. Counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for purposes of the Rule 35(b) motion. If retained, counsel for the defendant remains as counsel for the defendant until the Rule 35(b) motion is resolved or until given leave to withdraw.

4. The Federal Public Defender shall provide CJA counsel with a new voucher.

DATED this 9th day of May, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge